

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

ROXANNE ADAMS, ADMINISTRATOR OF
THE ESTATE OF JAMYCHEAL M. MITCHELL
Deceased,

Plaintiff,

v.

NAPHCARE, INC. et al.,

Defendants.

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Case No. 2:16cv229

DEFENDANT NAPHCARE, INC.'S ANSWER TO COMPLAINT

Defendant NaphCare, Inc., ["NaphCare"], by counsel, for its Answer to the Complaint filed by Roxanne Adams, Administrator of the Estate of Jamycheal M. Mitchell, Deceased, ["Plaintiff"], respectfully states as follows:

1. For Paragraphs 1-266, NaphCare adopts and incorporates by reference any admission made by its Defendant employees: Renee Edwards, LCSW, Justin Ray, NP-Psych, BenedictNgwa, NP, Pam Johnson, RN, Natalya Thomas, RN, HSA, Jalessa Rivers, LPN, Hope Nicholson, MA and Doris Murphy, MSW, and Nsekenene Kolongo, MD.
2. To the extent each of its Defendant employees have denied allegations in Paragraphs 1-266 unanimously, NaphCare denies those allegations as well.
3. To the extent that its Defendant employees provide conflicting responses to Paragraphs 1-266, they are to be treated, pursuant to Fed. R. Civ. P. 8(b)(5) as though NaphCare lacks knowledge or information sufficient to form a belief about the truth of an allegation which has the effect of a denial.

AFFIRMATIVE DEFENSES

1. NaphCare denies that it breached the standard of care, or any of the decedent's constitutional, common law, or statutory rights.

2. NaphCare denies that the Plaintiff is entitled to a judgment against him in any amount.

3. NaphCare denies that it is indebted to the Plaintiff in any amount.

4. NaphCare denies that any act or omission on its part was a breach or violation of any duty owed to the Plaintiff or the Plaintiff's decedent.

5. NaphCare denies acting with willful or wanton disregard toward the Plaintiff's decedent, and further avers that Plaintiff has failed to state a claim for gross negligence against him.

6. NaphCare denies acting with willful or wanton disregard toward the Plaintiff's decedent, and further avers that Plaintiff has failed to state a claim for punitive damages against him.

7. NaphCare avers that harm/damages/injuries to Plaintiff's decedent are the result of superseding, intervening causes and/or acts or omissions by third parties.

8. NaphCare avers that harm/damages/injuries to Plaintiff's decedent are the result of Mitchell's failure to mitigate.

9. NaphCare avers that it may not be held liable for punitive damages assessed to its employees.

10. NaphCare reserves the right to raise any other affirmative defenses which become known in the course of discovery.

Defendant demands a jury trial on all issues raised in the Complaint so triable.

WHEREFORE, having fully answered the Complaint, NaphCare respectfully requests that this Court enter judgment in its favor and against Plaintiff.

Respectfully submitted,

NAPHCARE, INC.

/s/

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Ngwa, NP, Pam Johnson, RN, Natalya
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Hope Nicholson, MA and Doris Murphy,
MSW, and Nsekenene Kolongo, MD*

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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